

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re: )  
)  
JACK PINNOCK )  
and MAZIE PINNOCK, ) Chapter 13  
) CASE NO. 16-23508 (RDD)  
)  
DEBTORS. )  
-----X

**ORDER DISALLOWING AND EXPUNGING CLAIM AND VOIDING LIEN OF U.S.  
BANK NATIONAL ASSOCIATION AS TRUSTEE, ON BEHALF OF THE HOLDERS  
OF CSMC MORTGAGE-BACKED PASS-THROUGH CERTIFICATES, SERIES 2007-1  
AND ITS SERVICER SELECT PORTFOLIO SERVICING, INC.**

Upon the objection, dated February 13, 2018 (the “Claim Objection”), of the debtors herein (the “Debtors”), pursuant to 11 U.S.C. §§ 502(b)(1) and 506(d) and Fed. R. Bankr. P. 3007, to the claim filed in this case by U.S. Bank National Association As Trustee, On Behalf Of The Holders Of CSMC Mortgage-Backed Pass-Through Certificates, Series 2007-1 and its servicer Select Portfolio Servicing, Inc. (collectively, with any subsequent successors or assigns, “U.S. Bank, NA”), Claim No. 16-1; and there being due and sufficient notice of the Claim Objection, including on U.S. Bank, NA; and there being no filed objection by U.S. Bank, NA to the requested relief; and upon the record of the evidentiary hearing held by the Court on the Claim Objection on September 26, 2018, at which the Debtors and U.S. Bank, NA appeared by their respective counsel and U.S. Bank, NA provided the Court with a copy of an apparently originally executed allonge to the note at issue, upon which it bases its contention that it is the holder of such note, which allonge was clearly not, and never had been, firmly affixed to the note at issue; and the Court having jurisdiction over the Claim Objection pursuant to 28 U.S.C. §§ 157(a)-(b) and 1334(b); and the Claim Objection being a core proceeding under 11 U.S.C. § 157(b)(2)(B) that the Court may determine by final order under the United States Constitution;

and, after due deliberation, the Court having found and concluded for the reasons stated on the record and in its Memorandum of Decision of even date herewith that (a) the Debtors have rebutted the presumptive validity under Fed. R. Bankr. P. 3001(f) of the claim of U.S. Bank, NA against the Debtors in this case, (b) U.S. Bank, NA has not established the validity of such claim, including its right to enforce the underlying note and mortgage, (c) such claim should be disallowed and expunged, and (d) the mortgage lien alleged by U.S. Bank, NA to secure such claim against the Debtors is void under 11 U.S.C. § 506(d); now, therefore, good and sufficient cause appearing, it is hereby

**ORDERED**, that the Claim Objection is granted to the extent set forth herein; and it is further

**ORDERED**, that Proof of Claim No. 16-1, dated March 9, 2017, filed in this case by or on behalf of U.S. Bank, NA against the Debtors is disallowed and expunged pursuant to 11 U.S.C. § 502(b)(1). The Claims Register in this case will reflect that the foregoing claim of U.S. Bank, NA against the Debtors has been disallowed and expunged; and it is further

**ORDERED, ADJUDGED AND DECREED THAT**, pursuant to 11 U.S.C. § 506(d), the mortgage lien alleged to secure U.S. Bank NA's claim in this case on the Debtors' real property located at 2848 Sedgwick Avenue, Bronx, NY 10468, Block 3250, Lot 16, Borough of Bronx, City of New York, Bronx County and recorded with the New York City Department of Finance, Office of the City Register on January 26, 2007, with City Register File No. (CFRN) 2007000050891 and Document ID 2006102001224002, and as assigned by the Assignment of Mortgage from First Meridian Mortgage to U.S. Bank National Association As Trustee, On Behalf Of The Holders Of CSMC Mortgage-Backed Pass-Through Certificates, Series 2007-1, recorded with the New York City Department of Finance, Office of the City Register on September 24, 2013 with City Register File No. (CFRN) 2013000394773 and Document ID

2013091801102001, is void and unenforceable by U.S. Bank, NA, its successors and assigns;  
and it is further

**ORDERED**, that the Clerk of the New York City Department of Finance, Office of the  
City Register is directed to reflect the foregoing on its records; provided, that the Debtors may  
record a copy of this Order with such Clerk as alternative notice thereof.

Dated: White Plains, New York  
October 31, 2018

/s/ Robert D. Drain  
United States Bankruptcy Judge